R E M A R K S

This is a full and timely response to the Office Action mailed March 29, 2007.

Copies of applications 10/712,902 and 10/712,518, cited in the information disclosure statement of December 3, 2003, are submitted herewith.

Applicant believes that the currently pending claims are not anticipated by or obvious over the cited references for at least the reasons set forth below and respectfully requests reconsideration.

Claim Objections - 35 C.F.R. 175(c)

Claims 2, 3, 7, 9, 17 and 18 have been objected to under 35 C.F.R. 175(c) for failing to further limit the subject matter of a previous claim, and specifically, for containing a single conditional limitation. Claims 2, 3, 7, 9 and 18 have been amended. With respect to claim 17, Applicant respectfully disagrees and traverses the objection. Applicant notes that the additional program code of claim 17 exists whether the condition discussed in claim 17 is satisfied or not, and the existence of this conditionally executed program code is a limitation regardless of the outcome of the condition.

Claim Rejections - 35 U.S.C. 101

Claims 1-20 have been rejected under 35 U.S.C. 101 as being drawn to non-statutory subject matter. In particular, the Office Action states that Applicant's claims lack hardware elements and do not produce a "concrete useful tangible final result". Applicant respectfully traverses the rejections.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility," which were published in an Official Gazette notice ("the OG Notice") on November 2005, provides instruction to examiners as to how to determine whether patentable subject matter is claimed as per 35 U.S.C. 101. The OG Notice first provides assistance to examiners in understanding recent court decisions that interpret the requirements of 35 U.S.C. 101. In particular, the OG Notice explicitly acknowledges the breadth of what may qualify as a "patentable invention":

> As the Supreme Court held, Congress chose the expansive language of 35 U.S.C. Sec. 101 so as to include "anything under the sun that is made by man." Diamond v. Chakrabarty, 447 U.S. 303, 308-09, 206 USPQ 193, 197 (1980). . . .
>
> The plain and unambiguous meaning of section 101 is that any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may be patented if it meets the requirements for patentability set forth in Title 35, such as those found in sections 102, 103, and 112. The use of the expansive term "any" in section 101 represents Congress's intent not to place any restrictions on the subject matter for which a patent may be obtained beyond those specifically recited in section 101 and the other parts of Title 35 . . . Thus, it is improper to read into section 101 limitations as to the subject matter that may be patented where the legislative history does not indicate that Congress clearly intended such limitations.
>
> Official Gazette Notice of November 22, 2005, Section IV.A.

Despite such inclusive language, the OG Notice indicates that there are limitations to what can be patented:

> Federal courts have held that 35 U.S.C. Sec. 101 does have certain limits. First, the phrase "anything under the sun that is made by man" is limited by the text of 35 U.S.C. Sec. 101, meaning that one may only patent

> something that is a machine, manufacture, composition of matter or a process. . . .
>
> The subject matter courts have found to be outside of, or exceptions to, the four statutory categories of invention is limited to abstract ideas, laws of nature and natural phenomena.
>
> Official Gazette Notice of November 22, 2005, Section IV.A.

Therefore, an invention is patentable under 35 U.S.C. 101 as long as it falls within one of the explicit statutory categories identified in 35 U.S.C. 101 and does not comprise one of an abstract idea, a law of nature, or a natural phenomenon (i.e., the three "judicial exceptions").

The OG Notice next provides explicit instructions to examiners as to how to determine whether a claim falls within a statutory category of 35 U.S.C. 101:

> To properly determine whether a claimed invention complies with the statutory invention requirements of 35 U.S.C. 101, USPTO personnel must first identify whether the claim falls within at least one of the four enumerated categories of patentable subject matter recited in section 101 (process, machine, manufacture or composition of matter).
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> Official Gazette Notice of November 22, 2005, Section IV.B.

Later, the OG Notice provides explicit instructions to examiners as to how to determine whether a claim falls within one of the judicial exceptions:

> Determining whether the claim falls within one of the four enumerated categories of patentable subject matter recited in 35 U.S.C. Sec. 101 (process, machine, manufacture or composition of matter) does not end the analysis because claims directed to nothing more than abstract ideas (such as mathematical algorithms), natural phenomena, and laws of nature are not eligible and therefore are excluded from patent protection. . .

> . . . In evaluating whether a claim meets the requirements of section 101, the claim must be considered as a whole to determine whether it is for a particular application of an abstract idea, natural phenomenon, or law of nature, rather than for the abstract idea, natural phenomenon, or law of nature itself.
>
> Official Gazette Notice of November 22, 2005, Section IV.C.

The OG Notice further states that a claim that relates to an abstract idea, natural phenomenon, or law of nature may still be patentable:

> While abstract ideas, natural phenomena, and laws of nature are not eligible for patenting, methods and products employing abstract ideas, natural phenomena, and laws of nature to perform a real-world function may well be.
>
> Official Gazette Notice of November 22, 2005, Section IV.C.

On that issue, the OG Notice expresses that "practical applications" of the judicial exceptions can be patentable and provides specific guidelines to aid examiners in determining whether a practical application of one of the judicial exceptions is claimed:

> To satisfy section 101 requirements, the claim must be for a practical application of the Sec. 101 judicial exception, which can be identified in various ways:
>
> • The claimed invention "transforms" an article or physical object to a different state or thing.
>
> • The claimed invention otherwise produces a useful, concrete and tangible result, based on the factors discussed below.
>
> Official Gazette Notice of November 22, 2005, Section IV.C.2.

Therefore, if a claim is related to one of the judicial exceptions there must be an appropriate "transformation" or otherwise must be a "useful, concrete, and tangible result."

From the foregoing, it is apparent that the issue of whether a "useful, concrete, and tangible result" is claimed is only to be considered if: the claimed invention concerns one of the judicial exceptions (i.e., abstract ideas, natural phenomena, and laws of nature).

In the present case, each of Applicant's remaining claims is explicitly directed to a category of invention identified in 35 U.S.C. 101. Specifically, claims 1-5 and 7-14, as amended, are directed to a "method" which comprises a process and claims 15-20, as amended, are directed to a "physical computer-readable medium" or "tangibly embodied electronically executable instructions" which comprises one or both of a machine and a manufacture.

Furthermore, even if Applicant's claims, as amended, did fall within one of the judicial exceptions, each produces the useful, concrete and tangible result of signaling when an error has been detected.

In view of the above, Applicant respectfully submits that each of Applicant's remaining claims is directed to statutory subject matter as defined by 35 U.S.C. 101 and therefore respectfully requests that the rejections be withdrawn.

Claim Rejections - 35 U.S.C. 112

Claims 5 and 6 have been rejected under 35 U.S.C. 112 as being indefinite for use of the term "enough" and have been amended. Claims 1-20 have been rejected under 35 U.S.C. 112 as being incomplete for omitting essential steps mentioned in the preamble, and have been amended. Applicant believes that the claims, as amended, are definite and complete and

respectfully requests that the rejections be withdrawn.

Claim Rejections - 35 U.S.C. 102(b)

Claims 1-20 have been rejected under 35 U.S.C. 102(b) as being anticipated by Sharma, U.S. Patent No. 6,412,046. Applicant respectfully traverses.

Claims 1-20 are believed allowable over Sharma at least because Sharma does not disclose or suggest determining whether generation of an event by an agent in response to a stimulus is conditional. Sharma appears to control a memory agent in a defined fashion (col. 3, line 57, wherein the agent is assigned to read addresses in a contiguous and increasing fashion) and the expected results are explicitly calculated (see col. 3, line 58-61, wherein number of prefetch lines are calculated, and col. 2, lines 50-52, wherein the verification method is exact based on a strict definition of which cache lines should be prefetched). Sharma does not appear to disclose or suggest expectations of future events whose actual generation is speculative, Sharma appears to determine exactly what events should take place. The simple fact that Sharma's future events have varied forms, such as the number of lines to be prefetched, does not mean that their occurrence is speculative. Sharma discloses the calculation in advance of what the correct form of each future event will be, and the generation of those future events is not speculatively based on some condition.

In view of the above, all of the claims are believed to be in condition for allowance, and Applicant respectfully requests that a timely Notice of Allowance be issued.

Dated: 6/25/07

Respectfully submitted,
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